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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,138	03/16/2000	Wolfgang Thiel	P00.0173	1989
7590	10/21/2003		EXAMINER	
SCHIFF HARDIN & WAITE Patent Department 6600 Sears Tower Chicago, IL 60606-6473			WOO, RICHARD SUKYOON	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/21/2003

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 13

Application Number: 09/527,138

Filing Date: March 16, 2000

Appellant(s): THIEL, WOLFGANG

Wolfgang Thiel
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 24, 2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on June 24, 2003 has been entered.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-7 and 9 stand or fall together.

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,262,939 Vanpoucke 11-1993

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-7 and 9 are not patentable under 35 U.S.C. 102(b) as being anticipated by Vanpoucke (US 5,262,939).

As for Claim 1, Vanpoucke discloses a method for entering contents of a franking imprint into a postage meter machine, the postage meter machine having a printer (10-13); a microprocessor (3) connected to the reader; and a non-volatile, non-removable memory (2) connected to the microprocessor, the method comprising the steps of:

storing a set of data in a non-volatile, non-removable memory (2) of the postage meter machine by permanently programming the data at a manufacturing location (Such data entry must take place at the location of the manufacturer because Vanpoucke does not expressly disclose that the user of the system enters those data into the memory at the use location. Accordingly, the manufacturer must enter the data into the memory to enable the user to operate the system at the manufacturing location.), the memory having a various countries or carriers file:

installing a data communication interface (20):

utilizing the data communication interface to define or select a carrier for each shipment from the carriers file in the memory, and configuring the franking imprint dependent on the selected carrier (col. 3, lines 2-5, 65-68).

(11) Response to Argument

In response to Appellant's argument (in Brief's page 13, lines 1-2) that there is no disclosure in Vanpoucke as to when or how data are entered into the file memory 2, such data entry must take place at the location of the manufacturer because the user of the system does not enter those data into the memory either (the manufacturer must enter the data into the memory to enable the user to operate the system).

In response to Appellant's argument that there is no teaching whatsoever in Vanpoucke that any of the data in the file memory 2 relates to configuring the franking imprint so as to be appropriate for a specific carrier or a specific country, it is noted that Vanpoucke's interface must control the system to configure and print the franking imprint corresponding to a specific carrier or a country (e.g., col. 3, lines 2-5, 65-68; col. 4, lines 25-31; col. 6, line 9-19).

Appellant's argument that there is no connection between the memory and the postage meter is not persuasive, wherein the Vanpoucke's interface (20) provides data interchanges between the programmed control unit and the set of memories, and the control unit, the postage meter and scale are directly connected via a bus.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., configuring the franking imprint for a particular country means arranging all of the individual items in the franking imprint in a manner that conforms to the postal regulations for a particular country) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Richard Woo

October 16, 2003

Conferees

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